

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CORNING INCORPORATED and
ARTIFICIAL SENSING INSTRUMENTS
ASI AG,

Plaintiffs,

v.

SRU BIOSYSTEMS, LLC, SRU
BIOSYSTEMS, INC. and SRU
BIOSYSTEMS HOLDINGS, LLC,

Defendants.

Civil Action No.
04-MC-10108

Judge O'Toole

[Subpoena for Case No.
03-663-JJF in the
District of Delaware]

DISCOVERY LABWARE'S ASSENTED-TO MOTION TO FILE UNDER SEAL ITS
MEMORANDUM IN OPPOSITION TO CORNING'S PETITION TO COMPEL
PRODUCTION OF DOCUMENTS PURSUANT TO SUBPOENA

Pursuant to Local Rule 7.2, Discovery Labware hereby moves this Court to impound its Memorandum In Opposition To Corning Incorporated's Petition To Compel Production Of Documents Pursuant To Subpoena, as well as an exhibit in support thereof. Corning Incorporated's counsel has assented to this Motion. The above-mentioned documents are listed as follows and are attached to this Motion in a sealed envelope:

1. Discovery Labware's Memorandum of Law in Opposition To Corning Incorporated's Petition To Compel Production Of Documents Pursuant To Subpoena; and
2. Exhibit 1: Deposition transcript of Guy Page dated March 23, 2004.

As grounds for this motion, Discovery Labware states that all of the above-referenced documents contain information that Discovery Labware designates as "Confidential - Attorneys' Eyes Only" under the terms of the Protective Order issued by the Delaware Court in the underlying action.

Discovery Labware further requests that the impoundment order should remain in place until further order by the Court, and that at the time of expiration of the order, the above documents shall be retrieved by counsel for Discovery Labware.

WHEREFORE, Discovery Labware respectfully requests that this Court issue an order:

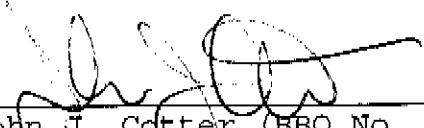
1. Impounding the above-listed documents;
2. Allowing the impoundment order to remain in place until further order by the Court; and
3. Granting such further and other relief as the Court deems just and proper.

Respectfully submitted,

DISCOVERY LABWARE

By its attorneys,

Dated: April 27, 2004



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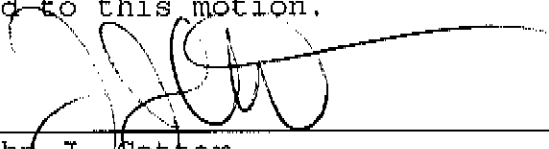
New York, NY 10112-3801

Telephone: (212) 218-2100

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CERTIFICATION UNDER LOCAL RULE 7.1

I certify that, pursuant to Local Rule 7.1, counsel for the parties have conferred in good faith and counsel for Plaintiff Corning Incorporated has assented to this motion.



John J. Cotter
Attorney for DISCOVERY LABWARE

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail (by hand) on April 27, 2004.